

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

LAGENIA WATKINS, Individually and	:	APPEAL NO. C-160464
as parent and natural guardian of		TRIAL NO. A-1500979
LORENZO MIKELL HAMPTON, a	:	
minor,	:	
	:	
and	:	<i>JUDGMENT ENTRY.</i>
	:	
LORENZO HAMPTON, Individually	:	
and as parent and natural guardian of	:	
LORENZO MIKELL HAMPTON, a	:	
minor,	:	
	:	
Plaintiffs-Appellees,	:	
	:	
vs.	:	
	:	
THE GOOD SAMARITAN HOSPITAL	:	
OF CINCINNATI, OHIO,	:	
	:	
DAVID DHANRAJ, M.D.,	:	
	:	
and	:	
	:	
KIMBERLY L. EVANS, M.D.,	:	
	:	
Defendants-Appellants.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendants-appellants, Good Samaritan Hospital of Cincinnati Ohio (“GSH”), Dr. David Dhanraj, and Dr. Kimberly Evans appeal the trial court’s order to produce certain documents they allege are privileged peer review documents under R.C. 2305.252. For the reasons that follow, this appeal is dismissed as moot.

This is the second appeal in a medical-malpractice dispute between plaintiffs-appellees LaGenia Watkins and Lorenzo Mikell Hampton and GSH. In the first appeal, GSH appealed the trial court's order to produce documents that may be privileged peer review documents under R.C. 2305.252. *Watkins v. Good Samaritan Hospital*, 1st Dist. Hamilton No. C-160194, 2016-Ohio-7458, ¶ 1. (“*Watkins I*”). The documents at issue in *Watkins I* were personnel records of individuals who had treated LaGenia Watkins and/or Lorenzo Mikell Hampton sought in plaintiffs' request for documents numbered 24 (“RFP 24”). *Id.* at ¶ 3. The request applied to “employees, agents, or servants (this includes doctors, residents, nurses, and other medical personnel) involved in the care and treatment of LaGenia Watkins and/or Lorenzo Mikell Hampton at any time during the treatment in question * * *.” *Id.* GSH claimed the documents were privileged peer review documents and not subject to discovery. *Id.*

In response, plaintiffs requested the trial court to review the documents in camera to determine whether the peer review privilege applied and to what extent. When the trial court ordered the documents to be produced without conducting an in camera review, GSH appealed. *Id.* at ¶ 5-6.

While *Watkins I* was pending, plaintiffs-appellees requested the personnel records of an additional doctor under RFP 24. GSH claimed the documents were protected by the peer review privilege, and again, the trial court ordered the documents to be produced without conducting an in camera review. This appeal followed.

While this appeal was pending, we released our decision in *Watkins I*, reversing the trial court's order compelling production of the personnel records requested in RFP 24 and remanding the cause with instructions to the court to conduct an in camera review of the documents to determine whether the peer review privilege applied. *Id.* at ¶ 18.

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This appeal raises the same issue that we resolved in *Watkins I* and has been rendered moot by our decision in *Watkins I*. Accordingly, this appeal is dismissed as moot.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., CUNNINGHAM and ZAYAS, JJ.

To the clerk:

Enter upon the journal of the court on February 17, 2017
per order of the court _____.

Presiding Judge